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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON**

ROBERT THOMPSON and JANELLE
THOMPSON, a married couple,

Plaintiffs,

vs.

UNITED STATES BAKERY, INC.,
d/b/a FRANZ FAMILY BAKERIES, an
Oregon Corporation; and
OCCUPATIONAL HEALTH
SOLUTIONS, INC., a Washington
Corporation,

Defendants.

Case No.:

**COMPLAINT FOR DAMAGES AND
JURY DEMAND**

I. PARTIES, JURISDICTION, AND VENUE

1.1 Robert and Janelle Thompson are residents of Spokane County,
Washington, in the Eastern District of Washington. Mr. and Mrs. Thompson assert

1 the below causes of action on behalf of themselves, individually, and on behalf of
2 their marital community.

3 1.2 United States Bakery, Inc., d/b/a Franz Family Bakeries is a self-
4 insured, for profit Oregon corporation authorized to do business in the State of
5 Washington.

6 1.3 Occupational Health Solutions, Inc. is a for profit Washington
7 corporation offering occupational health services, including third-party claims
8 handling, with its principal place of business located in Spokane, Washington.
9

10 1.4 The Federal Court for the Eastern District of Washington has personal
11 jurisdiction over the parties and subject matter jurisdiction for the claims in this
12 Complaint pursuant to 28 U.S.C. §1331 and 28 U.S.C. §1367(a).
13

14 1.5 Venue is appropriate under 28 U.S.C. §1391(b) because the events
15 giving rise to this Complaint occurred in this district.
16

17 1.6 Venue is also appropriate under the special venue provision of 42
18 U.S.C. §2000e-5(f)(3) because Spokane County, the Eastern District of
19 Washington, specifically, is where the unlawful employment practice is alleged to
20 have been committed, where the employment records relevant to such practice are
21 maintained and administered and where Plaintiff Robert Thompson maintains
22 employment despite ongoing alleged unlawful employment practices.
23
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25

II. INTRADISTRICT ASSIGNMENT AND REQUEST FOR JURY TRIAL

2.1 This action arose in Spokane County; therefore, Mr. and Mrs. Thompson respectfully request that the case be assigned to the Spokane Division of the Eastern District of Washington. A jury is also demanded for this matter.

III. FACTS

2.2 Robert Thompson (hereinafter “Mr. Thompson” or “Plaintiff”) was hired by United States Bakery, Inc. d/b/a Franz Family Bakeries (hereinafter “Franz”), on March 8, 2013.

2.3 On September 21, 2018, Mr. Thompson suffered a work-related injury.

2.4 Mr. Thompson was off work for approximately two weeks.

2.5 Prior to Mr. Thompson's work-related injury, he was performing his job duties satisfactorily and had not received negative work evaluations.

2.6 On October 2, 2018, Mr. Thompson was released back to work with no restrictions.

2.7 On October 4, 2018, Mr. Thompson underwent an MRI which showed a mild to moderate disk protrusion mildly narrowing the canal at the C6-7, among other findings.

1 2.8 On October 9, 2018, Mr. Thompson's treating doctor, Miguel A.
2 Schmitz, M.D., restricted Mr. Thompson to six hours of work per day, with
3 limitations and recommended an epidural steroid injection.
4

5 2.9 Upon receipt of this medical information, Franz informed Mr.
6 Thompson there were no light duty positions available and refused to allow Mr.
7 Thompson to work at all, even though Franz has previously created light duty
8 positions for other workers.
9

10 2.10 On October 18, 2018, Mr. Thompson began physical therapy,
11 attending two sessions per week.

12 2.11 On November 16, 2018, Mr. Thompson received an epidural steroid
13 injection, per the suggestion of Dr. Schmitz, which gave him some pain relief for
14 approximately two days.
15

16 2.12 On December 4, 2018, based on Mr. Thompson's failed treatments,
17 including the epidural steroid injection, Dr. Schmitz recommended a cervical
18 fusion.
19

20 2.13 Occupational Health Solutions, Inc. (hereinafter "OHS"), Franz's
21 Third-Party Claims Administrator denied Mr. Thompson's surgery requested on
22 December 4, 2018.
23
24
25

1 2.14 After learning of Dr. Schmitz recommended course of treatment, OHS
2 required Mr. Thompson to attend an independent medical examination arranged by
3 Defendants with the Defendants' selected doctor.
4

5 2.15 On January 3, 2019, Mr. Thompson attended an orthopedic
6 examination with Dr. Peterson.

7 2.16 Dr. Peterson diagnosed Mr. Thompson with a C6-7 herniation, and
8 related the condition, on a more-probable-than-not basis, to the work-related
9 injury.
10

11 2.17 The diagnosis in paragraph 2.16 above agreed with the diagnosis of
12 Dr. Schmitz.

13 2.18 Dr. Peterson also found that Mr. Thompson's condition was not fixed
14 or stable.
15

16 2.19 This finding, that Mr. Thompson's condition was not fixed or stable,
17 also agreed with the diagnosis of Dr. Schmitz.

18 2.20 Despite the same findings as Dr. Schmitz, Dr. Peterson recommended
19 additional conservative treatment which included the use of anti-inflammatories,
20 and additional physical therapy.
21

22 2.21 Mr. Thompson's treating doctor, Dr. Schmitz was asked to review Dr.
23 Peterson's findings.
24
25

1 2.22 On January 26, 2019, Dr. Schmitz reviewed Dr. Peterson's findings
2 and agreed to the additional treatment but noted Mr. Thompson had referred pain
3 from the neck into the upper back. Based on the referred pain, Dr. Schmitz again
4 indicated surgery was necessary.
5

6 2.23 Based on the results of the arranged medical examination with Dr.
7 Peterson, OHS denied Mr. Thompson's surgery and Mr. Thompson continued
8 physical therapy.
9

10 2.24 On May 7, 2019, based on the worsening condition of Mr. Thompson
11 and the continued failure of additional conservative treatments, Dr. Schmitz again
12 recommended surgery for Mr. Thompson.
13

14 2.25 On May 22, 2019, OHS denied Dr. Schmitz's May 7, 2019 request
15 for surgery pending the outcome of a second OHS medical examination Mr.
16 Thompson had with Dr. Gregory Zoltani on April 26, 2019.
17

18 2.26 On June 13, 2019, Mr. Thompson had electrodiagnostic testing
19 performed at Spokane Spine Center which demonstrated left sided subacute C7
20 radiculopathy.
21

22 2.27 Radiculopathy is a symptom most often resolved by surgical
23 intervention.
24

25 2.28 Despite the June 13, 2019 confirmation of the presence of
radiculopathy, on June 21, 2019 Dr. Zoltani amended his April 26, 2019 which

1 stated, “surgical intervention being unlikely to bring about meaningful functional
2 recovery due to lack of evidence of radiculopathy,” and instead changed his
3 medical opinion to “ the June 13, 2019 nerve conduction and EMG confirms C-7
4 radiculopathy. “We agree with another epidural injection.”

6 2.29 The medical examiner selected by OHS to perform Mr. Thompson’s
7 medical evaluation, Dr. Zoltani, has never performed a single spinal surgery
8 throughout his entire career.

10 2.30 Dr. Zoltani was selected by Defendants for his inexperience and his
11 willingness to arrive at whatever medical opinion he was directed to reach by the
12 Defendants.

13 2.31 Dr. Schmitz was asked to review the April 26, 2019 and June 21, 2019
14 findings of Dr. Zoltani.

16 2.32 On July 16, 2019, Dr. Schmitz reviewed Dr. Zoltani’s findings and
17 again recommended surgery.

18 2.33 Following Dr. Schmitz July 16, 2019 recommendation for surgery,
19 OHS authorized treatment, not for surgery but for another trigger point injection.
20

21 2.34 On July 30, 2019, Mr. Thompson received a trigger point injection at
22 Spokane Spine Center.

23 2.35 This trigger point injection did nothing to resolve Mr. Thompson’s
24 spinal injury.
25

1 2.36 In August of 2019, Jon Floyd requested Mr. Thompson seek a second
2 opinion with a provider of his choosing.

3 2.37 This request resulted in more delay of Mr. Thompson's surgery.
4

5 2.38 On approximately August 8, 2019, Dr. Schmitz was asked to refer Mr.
6 Thompson for a second medical opinion that Mr. Thompson needed surgery to
7 resolve his injury.

8 2.39 On August 25, 2019, Dr. Schmitz sent a request to Dr. Kent of Axis
9 Spine Center and asked Dr. Kent to evaluate Mr. Thompson.
10

11 2.40 On November 7, 2019, Mr. Thompson was evaluated by Dr. Kent and
12 Dr. Kent concurred with Dr. Schmitz's medical opinion that Mr. Thompson needed
13 surgery.
14

15 2.41 On December 4, 2019, Mr. Thompson finally received the required
16 surgical intervention.

17 2.42 The post-surgical recovery time for Mr. Thompson is estimated by his
18 physicians to be approximately one year.
19

20 2.43 Dr. Schmitz recommended surgery on December 4, 2018.

21 2.44 Under the union contract, Mr. Thompson has until March 21, 2020 to
22 return to work or he will be terminated according to the collective bargaining
23 agreement.
24
25

1 2.45 Franz has intentionally delayed and interfered with Mr. Thompson's
2 needed surgery for over 1 year and has refused to accommodate him or make light
3 duty work available as it has for other employees.
4

5 2.46 Had surgery occurred in a timely manner, Mr. Thompson's recovery
6 and potential return to work would have occurred prior to termination allowed
7 under his contract with Franz and loss of seniority.
8

9 2.47 Due to Mr. Thompson's injury, he is presently disabled.
10

11 2.48 Mr. Thompson can perform the essential job functions of the bread
12 indexing position and other positions with a reasonable accommodation.
13

14 2.49 Franz failed and continues to fail to reasonably accommodate Mr.
15 Thompson despite repeated requests for a reasonable accommodation.
16

17 2.50 Franz's acts and omissions have caused the interactive process to
18 break down.
19

20 2.51 Mr. Thompson's industrial injury was never likely to be remedied,
21 reduced, or reversed by conservative treatments.
22

23 2.52 The only physicians that did not recommend surgery were paid for by
24 the Defendants.
25

 2.53 Defendants ultimately rejected their own hired doctors' opinions after
delaying Mr. Thompson's treatment long enough to allow for his termination.

1 2.54 Mr. Thompson's proper treatment was delayed by Franz's actions and
2 omissions.

3 2.55 Franz has engaged in claims suppression and retaliation by their
4 conduct outlined above.
5

6 2.56 Dr. Zoltani was hired by Franz to create enough delay in Mr.
7 Thompson's surgery to allow the 18 months to pass and to allow Franz to
8 terminate Mr. Thompson from his position under the collective bargaining
9 agreement.
10

11 2.57 Mr. Thompson, with bidding seniority, was and is capable with
12 reasonable accommodations to perform other job positions at Franz with potential
13 to return to his job of injury if afforded an accommodation.
14

15 2.58 Mr. Thompson's treating physician, Dr. Schmitz, has signed an order
16 for Mr. Thompson to begin work conditioning with Summit Rehabilitation.

17 2.59 Summit Rehabilitation has the order and is waiting for Franz, through
18 its third-party claims' administrator believed now to be Gallagher and Bassett to
19 approve the order.
20

21 2.60 Franz engaged in claims suppression and retaliation through its agents
22 by delaying its adoption of Dr. Schmitz surgical recommendation, and in doing so,
23 exhausted most of Mr. Thompson's 18- months of leave, and in doing so,
24
25

1 discriminated against Mr. Thompson on the basis of his current and historic
2 disability and in retaliation for filing a workers compensation claim.

3
4 2.61 Franz continues to engage in claims suppression and retaliation by its
5 refusal to approve the order sent by Dr. Schmitz which allows Mr. Thompson to
6 begin work conditioning to prepare him to return to work, with accommodation in
7 the bread indexing position, until he is fully released back to the job of injury in
8 approximately May of 2020.

9
10 2.62 Due to Mr. Thompson's work-related injury, Franz perceives Mr.
11 Thompson as disabled and Franz sought to terminate Mr. Thompson by engaging
12 in intentional claims suppression and retaliation in the form of frivolous actions in
13 the L&I claim to stall that process beyond the contractual 18 month-mark where
14 Franz is allowed to terminate employees.

15
16 2.63 OHS assisted with claims suppression, discriminating and retaliating
17 against Mr. Thompson on the basis of his current and historic disability, his
18 requests for orthopedic surgery, his EEOC complaint, his request to be allowed to
19 work in a light duty capacity, and not allowing him any other reasonable
20 accommodation.

21
22 2.64 OHS and Franz engaged in acts of claim's suppression and retaliation
23 through the above described conduct.
24
25

1 2.65 After the filing of Mr. Thompson's EEOC complaint, Franz has
2 intentionally and retaliatorily delayed wage payments owing to Mr. Thompson
3 within his L&I claim.
4

5 2.66 This constitutes retaliation for Thompson's EEOC filing.

6 2.67 As a result of the acts and omissions of the Defendants, the Plaintiffs
7 suffered damages and have incurred attorney fees.
8

9 **III. CAUSES OF ACTION**

10 **A. Retaliation in Violation of Public Policy Wrongful/Illegal Retaliation-** 11 ***Wilmot v. Kaiser Aluminum*, 118 Wn.2d 46(1991)/Claims Suppression**

12 3.1 Plaintiffs re-allege and incorporate by reference paragraphs 1.1-2.67
13 as if set forth fully herein.

14 3.2 Plaintiffs assert the common law tort of retaliation for Labor and
15 Industries claims in violation of public policy as outlined in *Wilmot v. Kaiser*
16 *Aluminum*, 118 Wn.2d 46 (1991).
17

18 3.3 Plaintiff, Robert Thompson was intentionally retaliated against as a
19 result of his lawful Labor and Industries claims and treatment, for seeking and
20 receiving benefits from such a claim, and for filing an EEOC complaint.
21

22 3.4 A Labor and Industry claim was filed by Mr. Thompson and is open,
23 ongoing, and unresolved at this time.

24 3.5 Mr. Thompson's Labor and Industries claim for injury, and the desire
25 to terminate Mr. Thompson after 18 months, was a substantial factor in Franz

1 failing to approve treatment, frivolously disputing, delaying, and denying
2 authorization for needed treatments.

3 3.6 Franz has delayed L&I wage payments following Plaintiff's EEOC
4 complaint, this violates both Washington and Federal law.

6 3.7 It is against the public policy of the State of Washington to retaliate
7 against an employee because of his filing of a Labor and Industries claim.

8 3.8 Franz retaliated against Plaintiff and continues to retaliate against
9 Plaintiff because of his claim with Labor and Industries in violation of this public
10 policies. Allowing such a retaliation jeopardizes public policy in favor of reporting
11 Labor and Industries violations and avoiding claims suppression.

13 3.9 Franz has made light duty work available to other similarly situated
14 employees.

16 3.10 Franz has improperly worked to delay Mr. Thompson's treatment for
17 work-related injuries, as a further act of retaliation for Mr. Thompson's L&I claim.

18 3.11 Franz is vicariously liable and otherwise responsible for all other
19 Defendants and the acts of their agents in the L&I claims reporting and their
20 agent's interference and suppression in the L&I claim treatments through the
21 theories of contract, agency, apparent agency, joint venture, joint and several
22 liability, master/servant, employer/employee, and joint tortfeasor.
23
24
25

1 3.12 As a proximate cause of Defendant Franz's harassment, L&I claim
2 suppression, retaliation, discrimination, and delays in treatment, Plaintiffs have
3 been damaged in amounts to be proved at the time of trial, including attorney fees,
4 costs, and prolonged pain and suffering.
5

6 **B. Violation of Washington Law Against Discrimination RCW 49.60.010 et**
7 **seq.**

8 3.13 Plaintiffs re-allege and incorporate by reference paragraphs 1.1-3.12
9 as if set forth fully herein.

10 3.14 RCW 49.60.180 makes it unlawful for an employer to discriminate an
11 employee by altering the terms and conditions of his/her employment on account
12 of that employee's disability status.
13

14 3.15 To state a disability claim under the WLAD and federal law, an
15 employee need only establish that his disability was a substantial factor in the
16 employer's decision to alter the terms and conditions of his employment.
17

18 3.16 Mr. Thompson was performing his work satisfactorily prior to Franz's
19 discrimination and retaliation detailed in the "facts" section of this Complaint.

20 3.17 Franz could have provided reasonable accommodations for Mr.
21 Thompson by placing him in a light duty position such as the bread indexing
22 position.
23

24 3.18 Defendants violated Plaintiff's right to be free from disability
25 discrimination as guaranteed by WLAD, specifically by depriving Plaintiff of

1 opportunities to timely receive required medical treatment, to receive reasonable
2 accommodations, and be free from claim suppression actions. These delays and
3 challenges were designed to delay Mr. Thompson's recovery to outside the
4 timeframes outlined by the collective bargaining agreement and altered the terms
5 and conditions of his employment.
6

7 3.19 Defendant Franz's violation of the WLAD and federal law
8 proximately caused Plaintiffs to suffer damages.
9

10 3.20 Plaintiffs, and the marital community thereof, seek all remedies,
11 damages, penalties, costs, and attorney fees available under the WLAD.

12 **C. Violation of American Disability Act, ADAAA, 42 U.S.C. §12101 et seq.**

13 3.21 Plaintiffs re-allege and incorporate paragraphs 1.1-3.20 as if set forth
14 fully herein.
15

16 3.22 In order to state a claim for disability discrimination under the ADA,
17 and ADAAA, an employee must establish membership in a protected class, an
18 adverse employment action, satisfactory performance, and that his membership in
19 a protected class was a motivating or substantial factor in the adverse employment
20 action.
21

22 3.23 Mr. Thompson has a disability as described under 42 U.S.C. §12101
23 et seq.
24
25

1 3.24 Alternatively, Mr. Thompson is perceived as being disabled by
2 Defendants since the onset of his L&I claim on September 21, 2018 as described in
3 42 U.S.C. §12101 et seq.
4

5 3.25 Mr. Thompsons disability status or perceived disability status has
6 resulted in adverse employment actions in the form of L&I claims suppression,
7 reduced wages, failures to accommodate, and not providing light duty work as
8 done for other similarly situated employees.
9

10 3.26 Franz has conceded that Mr. Thompson has a disability in writing.

11 3.27 OHS engaged in L&I claim suppression while acting on behalf of
12 Franz, by delaying L&I payments, delaying his surgery, failing to engage in the
13 interactive process, failing to waive their 18 month termination deadline after their
14 delays, and requesting duplicative, redundant medical opinions to approve surgery.
15

16 3.28 Alternatively, OHS and Franz used needless, unfounded, frivolous
17 medical opinions to delay Mr. Thompson's required surgery for his work-related
18 injury.
19

20 3.29 Franz has no immunity for intentional acts in violation of RCW 51.28
21 claims suppression statutes as Franz is Mr. Thompson's employer.

22 3.30 Franz has failed to modify Mr. Thompson's workplace position to
23 accommodate his disability in the manner that Franz has accommodated other
24 employees.
25

1 3.31 Within Mr. Thompson's Labor and Industries claim, Franz and OHS
2 had the authority to authorize Mr. Thompson's medical treatment as recommended
3 by his treating doctor.
4

5 3.32 Instead of authorizing Mr. Thompson's medical treatment as
6 recommended by his treating doctor, Franz and OHS requested second, third, and
7 fourth opinions.
8

9 3.33 The medical opinions requested did not have adequate surgical
10 foundation and were designed to delay treatment.

11 3.34 All this above referenced behavior violated the ADA and WLAD as it
12 constitutes discrimination by altering the terms and conditions of the employment
13 of Mr. Thompson, a person with a disability, or alternatively, a person perceived as
14 disabled.
15

16 3.35 Alternatively, OHS, while violating the WLAD and the ADA, and
17 other state and federal laws, were acting as Mr. Thompson's employer on behalf of
18 Franz Bakery.
19

20 3.36 Franz's acts and omissions in violating the ADA and WLAD in
21 conjunction with the acts and omissions of the other defendants has proximately
22 caused Plaintiffs' damages. Mr. and Mrs. Thompson seek all damages authorized
23 under WLAD, the ADA, and ADAA.
24

25 **D. Negligence/Negligent Supervision OHS/Franz**

1 3.37 Plaintiffs re-allege and incorporate paragraphs 1.1-3.36 as if set forth
2 fully herein.

3 3.38 Plaintiffs allege negligence in the alternative.

4 3.39 OHS had a duty to supervise its employees to ensure that employees
5 did not violate RCW 51.28.025.

6 3.40 Franz had a duty to supervise OHS's acts and omissions to ensure
7 OHS and its employee/agents did not violate RCW 51.28.025 and engage in L&I
8 retaliation.
9

10 3.41 Both these duties are non-delegable.

11 3.42 Once Franz was aware of OHS' acts, Franz had a duty both in law and
12 under their contract with Mr. Thompson, to mitigate the harm to Mr. Thompson by
13 approving Mr. Thompson's required surgery within a reasonable timeframe
14 allowing for rehabilitation and return to work conducive to any restrictions he had
15 and within the timeframe allotted within the Collective Bargaining Agreement.
16

17 3.43 By negligently engaging a physician with no surgical experience and
18 whose opinion Franz ultimately concluded was erroneous, based on a lack of
19 surgical experience, Franz and OHS delayed Mr. Thompson's required treatment
20 for his work-related injury.
21

22 3.44 The purpose of the repeated medical exams was to delay Mr.
23 Thompson's surgery to ensure Franz could terminate Mr. Thompson pursuant to
24
25

1 the collective bargaining agreement, and suppress future L&I claims at Franz by
2 other employees.

3 3.45 All the Defendants breached their duties by engaging in claims
4 suppression and retaliation and requiring additional, ineffective conservative
5 treatment after electrodiagnostic testing by Defendants' own expert, confirmed
6 nerve damage, delaying Mr. Thompson's surgery to a time that did not allow for
7 recovery within the timeframe allotted within the Collective Bargaining
8 Agreement.
9

10
11 3.46 Mr. Thompson has suffered harm proximately caused by each of the
12 Defendants' negligence.

13 3.47 As to their acts and omissions, each Defendant acted as a joint
14 tortfeasor, acted in concert, created an indivisible injury, as agents and common
15 law partners of each other, in suppressing Mr. Thompson's surgery to a time that
16 did not allow for recovery within the timeframe allotted within the Collective
17 Bargaining Agreement to justify Mr. Thompson's pending termination and to hide
18 their wrongdoing.
19

20
21 3.48 Franz's acts and omissions in violating RCW 51.28 et seq. in
22 conjunction with the negligent acts and omissions of itself and the other
23 Defendants has proximately caused Plaintiffs damages. Mr. and Mrs. Thompson
24 seek all damages authorized under 51.28 et seq. and the common law.
25

1 **E. Franz's Delays in Treatment Equitably Estop Franz From Terminating**
2 **Mr. Thompson**

3 3.49 Plaintiffs re-allege and incorporate paragraphs 1.1-3.48 as if set forth
4 fully herein.

5 3.50 Based on Franz's bad faith, retaliatory delays in authorizing Mr.
6 Thompson's required surgery, Franz has waived its contractual right to terminate
7 Mr. Thompson after 18 months with a loss of seniority.
8

9
10 **F. RCW 7.24.010 et seq. Declaratory Relief Suspending Franz's Ability to**
11 **Self-Insure for L&I Claims Barring the Termination of Mr. Thompson**
12 **Under RCW 51.28 and Common Law and Washington Statutes**

13 3.51 Plaintiffs re-allege and incorporate paragraphs 1.1-3.50 as if set forth
14 fully herein.

15 3.52 Plaintiffs seek declarative and/or injunctive relief under RCW
16 7.24.010 et seq. to enforce the provisions of RCW 51.28 et seq.
17

18 3.53 Franz, OHS, and each of its agents/employees should be required to
19 refrain from engaging in claims suppression and retaliation as required by law.

20 3.54 Franz and its agents intentionally delayed approval of Mr.
21 Thompson's required surgery and delayed L&I payments for wages following an
22 EEOC complaint, and in doing so, engaged in claims suppression seeking to foster,
23 through retaliation, a culture that discourages the filing of L&I claims and proper
24 and timely treatment for workplace injuries.
25

1 3.55 Defendants, acting in concert to suppress and delay Mr. Thompson's
2 medical treatment for an industrial injury, did harm, and continues to harm, Mr.
3 Thompson both physically and economically.
4

5 3.56 Plaintiffs seeks recovery under the above statute for the damages
6 associated with the Defendants wrongful conduct and failure to comply with the
7 law, specifically RCW 51.28.010(2)(c).
8

9 **IV. PRAYER FOR RELIEF**

10 Plaintiffs respectfully demand a jury trial and pray for:

11 (a) Compensation for all injuries and damages suffered by Mr. and Mrs.
12 Thompson, including but not limited to:

13 (i) Both economic and non-economic damages, in an amount to be proven at
14 trial, including back pay, front pay, pre and post judgment interest;
15

16 (ii) Lost benefits of employment;

17 ((iii) Adverse tax consequences of any award for economic damages
18 pursuant to Chapter RCW 49.60 et seq. and federal law;
19

20 (iv) Liquidated damages under both federal and Washington law for willful
21 violations as it relates to the lost back and front pay;

22 (v) Wages and benefits;

23 (vi) Exemplary damages;

24 (vii) Punitive damages;
25

1 (viii) Compensatory and general damages suffered by Plaintiffs as a result
2 of all forms of discrimination and retaliation;

3 (ix) Costs and reasonable attorneys' fees incurred with this lawsuit as
4 permitted by statute under the Washington Law Against Discrimination and the
5 ADA;
6

7 (x) All such other relief or damages as authorized under the ADA, ADAAA,
8 WLAD, or Washington/federal common law;
9

10 (xi) General damages, including emotional distress;

11 (xii) Injunctive relief to restrict Franz from engaging in claims suppression
12 and retaliation and from terminating Mr. Thompson based on Defendant's delays;
13 and
14

15 (xiii) such other and further relief as the Court deems just or equitable.

16 Dated this 13th day of March 2020.

17 BEST LAW, PLLC

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